

CHAPTER 7 CONTESTED CASE PROCEEDINGS

265—7.1(17A,16) Presiding officer. Contested cases shall be presented to the board of the authority.

265—7.2(17A,16) Right to contested case proceedings. In any case in which the legal rights, duties or privileges of a party are required by Constitution or statute to be determined after an opportunity for an evidentiary hearing, any party aggrieved by action of the staff of the authority may request review of the action by the board of the authority at its next regularly scheduled board meeting. An aggrieved party may request either an informal resolution of the complaint or may request contested case proceedings. The staff of the authority may also initiate contested case proceedings without a request by an aggrieved party. An evidentiary hearing need not be provided if there are no factual issues. In those cases, policy issues shall be presented to the board at its next meeting.

265—7.3(17A,16) Time limit for request. A request for contested case proceedings must be made by an aggrieved party within 60 days after official notification of an action, provided however that the authority may defer the granting of any relief until the next bond issue if the bond proceeds necessary to give a party relief from a previous issue have been exhausted.

265—7.4(17A,16) Notice of contested case. After receiving a timely request for contested case proceedings, or when contested case proceedings are initiated by staff without a request, notice complying with Iowa Code section 17A.12, subsection 2, shall be mailed by staff, certified mail, return receipt requested. Alternatively, staff may give notice in any manner permitted by the Iowa Rules of Civil Procedure, for the commencement of a civil action, or give notice in accordance with any applicable “long arm statutes.”

265—7.5(17A,16) Form of request. A request for contested case proceedings shall be in writing and be signed by the aggrieved party or by an attorney at law representing the aggrieved party.

265—7.6(17A,16) Subpoena power. The authority shall have all subpoena power conferred on it by statute. Authority subpoenas shall be issued to a party on request, shall be signed by the executive director of the authority, and be under the seal of the authority.

265—7.7(17A,16) Conduct of contested case. Contested case proceedings shall comply with Iowa Code sections 17A.12 to 17A.17. The position of the authority’s staff shall first be presented, then the position of the aggrieved party shall be offered. Rebuttal by either side may be made where appropriate, and the chair or other presiding officer of the authority board may limit or direct the hearing to avoid repetitive or unnecessary portions of a presentation.

265—7.8(17A,16) Decisions. Decisions of the board shall be in writing, and shall be mailed to the parties involved in the proceeding.

265—7.9(17A,16) Petition for receipt of additional evidence. If, prior to the issuance of the final decision, any party feels that the submission of additional evidence is necessary, the party shall request an opportunity to present additional evidence by mailing a request to the chair of the authority’s board by ordinary mail, c/o the Authority’s office at 100 East Grand Avenue, Suite 250, Des Moines, Iowa 50309. The party shall, in addition, notify all opposing parties by certified mail, return receipt requested, including in such notice to the opposing parties all information submitted to the chair.

The chair shall review the requests and either reject the request or establish an additional hearing no sooner than seven calendar days from the chair’s decision. The chair shall notify the parties of a decision to accept additional evidence by certified mail, return receipt requested. Notice of a decision to reject additional evidence may be by ordinary mail.

These rules are intended to implement Iowa Code sections 17A.10 to 17A.18.

[Filed 12/17/82, Notice 11/10/82—published 1/5/83, effective 2/9/83]

[Filed emergency 7/26/85—published 8/14/85, effective 7/26/85]

[Filed 3/19/91, Notice 10/17/90—published 4/3/91, effective 5/8/91]